

REMARKS

Claims 1-55 are pending in the application, with claims 1, 28, and 55 being independent. Claims 1, 10-13, 28, 37-40 and 55 are amended for consistency in order to address antecedent basis issues. Entering these amendments is proper because they are not substantive changes. Reconsideration and allowance of Applicant's claims are respectfully requested in light of the following remarks.

The Office Action has rejected claims 1-7, 9-17, 19-34, 36-44, and 46-55 under 103(a) by U.S. Patent No. 6,393,464 (Dieterman) in view of U.S. Patent No. 7,206,814 (Kirsch). Applicant respectfully requests that these rejections be withdrawn because neither Dieterman nor Kirsch, either singly or in combination, describe or suggest all of the features of independent claims 1, 28, and 55. Moreover, neither of these references describe or suggest the features recited in dependent claims 3-6, 10-12, 30-33, and 37-39.

Independent claims 1, 28, and 55

With respect to claim 1, Dieterman and Kirsch do not describe or suggest, for example, adding a sender to a list when the sender is determined to be associated with the user based, at least in part, on the interactions between the user and a received message that is directed from the sender to the user, as recited in independent claim 1. The Office Action acknowledges this deficiency of Dieterman and instead relies on Kirsch for this feature. However, Kirsch also fails to describe or suggest this feature.

Instead, Kirsch uses a central database to collect statistics of senders and "determines the sender's reputation (a good reputation indicates that the sender does not send unwanted messages while a bad reputation indicates the sender sends unsolicited messages) [by analyzing information from various end users]" *Abstract*. The sender's reputation information is then passed from the central database to e-mail recipients. As a result, the e-mail recipients can use the received global sender reputation information to filter received e-mails. See *Abstract*. Even assuming the good-reputation-sender list in Kirsch is equivalent to the list as claimed, a sender is added to the good-reputation-sender list based on global statistics about the sender, which are

obtained by analyzing the information sent from the end users, not based on interactions between a user and a received message directed from the sender to the user.

Further, the information analyzed to obtain the statistics does not include interactions between the user and a received message directed from the sender to the user. The statistics are obtained by analyzing “[i]nformation [that] includes: information about the actual sender; whether the actual sender is included on the recipient’s white list; whether the actual sender included on the recipient’s black list; whether the message could be categorized locally; and whether the recipient changed the whitelist/blacklist status of message(i.e., changed the whitelist/blacklist status of the message).” *Col. 9:40-47*. To create a white or black list, Kirsch analyzes the user’s contacts list, and scans the e-mail program’s Inbox, Saved items, Deleted Items. *See Col. 10 5-16*. However, Kirsch does not describe or suggest doing so based on the interactions between the user and the received message, as recited in claim 1.

Therefore, similar to Dieterman, Kirsch also fails to describe or suggest adding a sender to a list when the sender is determined to be associated with the user based, at least in part, on the interactions between the user and a received message, as recited in independent claim 1. Similarly, independent claim 28 recites, “adding the sender to the list when the sender is determined to be associated with the user based, at least in part, on the interactions between the user and the received message.” Claim 55 recites “means for adding the sender to the list when the sender is determined to be associated with the user based, at least in part, on interactions between the user and a received message directed to the user.” Applicant submits that Dieterman and Kirsch do not describe or suggest these features of claims 28 and 55 at least for the reason described with respect to claim 1.

Dependant claims 3-6, 10-12, 30-33, and 37-39

Additionally, neither Dieterman nor Kirsch describe or suggest determining whether the sender is associated with the user based, at least in part, on interactions between the user and the received message that include “replying to, forwarding, saving or printing an e-mail received from the entity,” as recited in claim 3; “moving an e-mail from a first folder to a second folder,” as recited in claim 4; or “moving the e-mail from a first folder to a second folder,” as recited in claim 5; or “leaving an e-mail from the entity open for a predetermined period of time,” as recited in claim 6.

The Office Action relies on Dieterman for the specific actions recited in dependent claims 3-6, and 10-12. Office Action, pages 4-6. Initially, Applicant requests clarification of the rejection being asserted due to an apparent logical inconsistency, which renders the Applicant unable to appreciate (or, more formally, to receive notice of) the actual rejection being applied. Specifically, in the first instance, the Office Action indicates that Dieterman does not describe or suggest determining that a send associated with the user based on interactions between the user and the received message, but then asserts that Dieterman does describe this feature with respect to the specific actions recited in dependent claims 3-6, 10-12. If Dieterman does not describe or suggest determining that an sender associated with the user based on general interactions between the user and the received message, then Dieterman can not describe or suggest doing so based on the specifically recited actions. Therefore, the rejection leaves the Applicant unsure whether the Office is asserting that Dieterman discloses all features of the claims, or only a portion of them and, accordingly is improper.

In either event, neither Dieterman or Kirsch describe or suggest these features. Neither of these references describe or suggest adding a sender to a list when the sender is determined to be associated with the user based on the interactions between the user and a received message, much less doing so based on the specific interactions recited in dependent claims 3-6.

Further, neither Dieterman nor Kirsch describe or suggest determining whether the sender is associated with the user based, at least in part, on interactions between the user and the received message based on "detecting user actions that mitigate against factors that otherwise are used to infer a ~~person~~ sender is associated with the user," as recited in claim 10; and examples of such mitigating actions such as "taking steps to report a communication from the ~~person~~ sender as spam," as recited in claim 10; or "taking steps to add a person to a blacklist," as recited in claim 12.

Dependent claims 30-33, and 37-39 recite features similar to those recited in dependent claims 3-6, 10-12, and therefore are allowable for at least the reasons described above.

Accordingly, Dieterman, and Kirsch, either alone or in combination, fail to describe or suggest all of the features of independent claims 1, 28, and 55. Similarly, these references fail to describe or suggest the features of dependent claims 3-6, 10-12, 30-33, and 37-39. Applicant

Applicant : Roy Ben-Yoseph
Serial No. : 10/747,676
Filed : December 30, 2003
Page : 13 of 13

Attorney's Docket No.: 06975-539001

submits that independent claims 1, 28, 55 and those claims that depend from them, are allowable over Dieterman and Kirsch for at least the reasons given above.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

6/2/08



Kevin E. Greene
Reg. No. 46,031

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (877) 769-7945